

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prevent economic harm by establishing an interim ceiling on emission allowance prices.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2191

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end of subtitle B of title I, add the following:

2 **SEC. 12 ____ . EMISSION ALLOWANCE SAFETY VALVE PRICE.**

3 (a) ESTABLISHMENT.—Notwithstanding any other
4 provision of this Act, the Administrator shall establish, by
5 regulation, a limitation on the price of emission allow-
6 ances—

7 (1) in an amount equal to \$12 per emission al-
8 lowance for calendar year 2012; and

1 (2) for each of calendar years 2013 through
2 2027, in an amount equal to the product obtained
3 by multiplying—

4 (A) the price limitation established under
5 this subsection for the preceding calendar year;
6 and

7 (B) 1.05.

8 (b) EFFECTIVE PERIOD.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the authority of the Administrator to es-
11 tablish limitations on the price of emission allow-
12 ances under subsection (a) terminates with respect
13 to emission allowances made available for any cal-
14 endar year after calendar year 2027.

15 (2) EXCEPTION.—The authority of the Admin-
16 istrator to establish limitations on the price of emis-
17 sion allowances under subsection (a) shall remain in
18 effect with respect to emission allowances made
19 available for calendar year 2028 and thereafter if
20 the Secretary of Energy issues a negative technology
21 certification under subsection (c)(1)(B).

22 (c) TECHNOLOGY CERTIFICATIONS BY SECRETARY
23 OF ENERGY.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 not later than 12 years after the date on which

1 emission allowances are initially made available
2 under this Act, the Secretary of Energy shall submit
3 to Congress—

4 (A) an affirmative technology certification,
5 if the Secretary determines that zero- and low-
6 carbon technologies will be available on a com-
7 mercial scale for new and retrofit applications
8 for baseload electric generating covered facili-
9 ties by the date that is 15 years after the date
10 on which emission allowances are initially made
11 available under this Act; or

12 (B) a negative technology certification, if
13 the Secretary determines that zero- and low-
14 carbon technologies will not be available on a
15 commercial scale for new and retrofit applica-
16 tions for baseload electric generating covered
17 facilities by the date described in subparagraph
18 (A).

19 (2) REQUIREMENT.—

20 (A) IN GENERAL.—Before submitting a
21 technology certification under paragraph (1),
22 the Secretary of Energy shall—

23 (i) establish, by regulation, criteria for
24 determining whether zero- and low-carbon
25 technologies (including carbon capture and

1 sequestration) are available on a commer-
2 cial scale for new and retrofit applications
3 for baseload electric generating covered fa-
4 cilities; and

5 (ii) rely on the criteria in making any
6 determination under paragraph (1).

7 (B) INCLUSIONS.—The criteria established
8 under subparagraph (A)(i) shall include the
9 adequacy and quality of relevant technology
10 supplier performance guarantees.